

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Susan McGinley,

FILED ELECTRONICALLY

Plaintiff

v.

MRS Associates,

Defendant

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**COMPLAINT**

**I. Introduction**

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

**II. Jurisdiction and Venue**

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

### **III. Parties**

4. Plaintiff, Susan McGinley, is a natural person residing at 56 Pulaski St., Kingston, PA 18704.

5. Defendant, MRS Associates, ("the Collector") is a corporation engaged in the business of collecting debts in this state with a place of business located at 3 Executive Campus, Suite 400, Cherry Hill, NJ 08002 and is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

### **IV. Statement of Claim**

6. On or before August 1, 2008, the Collector began attempting to collect an alleged account ("the Account") from Plaintiff. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. §1692a(5).

7. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

8. Between August 1, 2008 and November 14, 2008, the Collector caused at least twenty-two (22) telephone calls to be placed to phone number (570) 288-2235.

9. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

10. During each of these calls, an employee of the Collector left a message for Plaintiff.

11. In four of these messages, the caller failed to state the name of the Collector and the purpose of the call.

12. In each of those four messages, the caller failed to provide the meaningful disclosure of identity required by 15 U.S.C. § 1692d(6).

13. In each of those four messages, the caller failed to disclose that the call was from a debt collector.

14. In each of those four messages, the caller failed to provide the disclosure required by 15 U.S.C. § 1692e(11).

15. In each of those four messages, the caller includes substantially the following language: "Important message for Susan M. McGinley. My name is Nicole Smith and I have information to make you aware of and discuss with you. I'm sure you will find this information to be of interest and concern to you so it is essential that you get back to me right away. This is not a telemarketing call."

16. In each of those four messages, the language referenced in paragraph 15 is deceptive and misleading, as it creates the impression that there is a matter of vital importance, other than debt collection, that requires Plaintiff's immediate attention.

17. In each of those four messages, the language referenced in paragraph 15 violates 15 U.S.C. § 1692e.

18. These calls/messages were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

**V. Demand for Jury Trial**

19. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington  
Kenneth W. Pennington  
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**Verification of Complaint and Certification  
by Plaintiff Susan McGinley**

Plaintiff, Susan McGinley, being duly sworn according to law, deposes as follows:

1. I am a plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

6. If applicable, each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.

7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain exhibit labels and some of my own handwritten notations.

Susan McGinley  
Susan McGinley  
Plaintiff

Subscribed and sworn to before me this  
15<sup>th</sup> day of June, 2009

Kimberly M. Bryden

COMMONWEALTH OF PENNSYLVANIA  
**NOTARIAL SEAL**  
Kimberly M. Bryden - Notary Public  
City of Scranton, Lackawanna County  
MY COMMISSION EXPIRES NOV. 08, 2010